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In re application of
Pike et al.
Serial No. 10/088,291
Filed: July 29, 2002
For: MANSONRY, MORTAR, AND STUCOO CEMENT
COMPOSITIONS

DECISION ON
PETITION

This is a response to the PETITION UNDER RULE 181(a) TO WITHDRAW NOTICE OF ABANDONMENT, filed June 13, 2005. The petition requests that the abandonment, as set forth in the Notice of Abandonment mailed March 14, 2005 be withdrawn since the applicant did not receive the NOTICE OF ALLOWANCE letter mailed November 1, 2004.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action, TMOG 1156 O.G. 53, November 16, 1993, (see also MPEP 711.03(c) - NEW PROCEDURE TMOG 1170 O.G. 114). A review of the petitioner's evidence indicates that the request has merit. The evidence presented is sufficient to establish that the applicant or any authorized representative of the applicant did not receive the NOTICE OF ALLOWANCE AND FEE(S) DUE letter mailed November 1, 2004. The evidence provided includes a statement by the petitioner that the Office letter mailed November 1, 2004 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter mailed November 1, 2004 was not received. Also provided is a copy of the attorney's application docket records where the Office letter mailed November 1, 2004 would have been posted had it been timely received.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt re-mailing of the NOTICE OF ALLOWANCE AND FEE(S) DUE letter originally mailed November 1, 2004 and restarting of the period of response from the re-mail date thereof. The change of address filed March 30, 2004 will be entered by the technical staff.

The Petition is **GRANTED**.

Jacqueline Stone, Director
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